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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/360,215 12/20/94 DUDEK,RK

A FORTINER

EXAMINER

SHAFFER, R

ART UNIT PAPER NUMBER

4

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E5041/0710

2507

DATE MAILED:

07/10/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6. \_\_\_\_\_

**Part II SUMMARY OF ACTION**

1.  Claims 1 - 18 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1 - 18 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3,11-13 and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lang et al.

Lang et al. discloses a reflective-dichroic polarizer comprising a reflective polarizer(8,9,10) which transmits green light having a first polarization and reflects green light which does not have the first polarization and a dichroic polarizer (20,21) positioned in the same optical path as the reflective polarizer, note column 5, lines 2-41, wherein the second transmission axis of said dichoric polarizer is inherently aligned with the first transmission axis of said reflective polarizer in order for the Green light to reflected back to said reflective polarizer.

Claims 1-3,11-13, and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kondo et al.

Kondo et al. discloses a reflective-dichroic polarizer comprising a reflective polarizer (7) which transmits one

polarization component and reflects the other polarization component and a dichroic polarizer (13) positioned in the same optical path as the reflective polarizer, note fig.7, wherein the second transmission axis of said dichroic polarizer is inherently aligned with the first transmission axis of said reflective polarizer.

Claims 1-3,11-13 and 16-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by Takahashi.

Takahashi discloses a reflective-dichroic polarizer comprising a reflective polarizer (12) which transmits one polarization component and reflects the other polarization component(s) and a dichroic polarizer (14,16) positioned in the same optical path as the reflective polarizer, note fig.4, wherein the second transmission axis of said dichroic polarizer is inherently aligned with the first transmission axis of said reflective polarizer in order for the blue and red light to pass there-through.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-18 are rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Schrenk et al.

Schrenk et al discloses a birefringent interference polarizer comprising a multilayer stack of at least two materials, wherein at least one of the materials is a birefringent polymeric material composed of polyethylene naphthalate (open) and the other polymeric material is composed of polyethylene terephthalate (open), note column 3, lines 17-28, which inherently and/or obviously serves as the reflective polarizer. Furthermore, Schrenk et al. clearly discloses in column 3, lines 38-55, that it may be desirable to incorporate coloring agents, such as dyes or pigments into one or more interior layers of said birefringent interference polarizer in order to permit selective absorption of certain wavelengths which inherently and/or obviously serves as the dichroic polarizer.

Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

Shafer/ab *RDS*

July 8, 1996

*Ricky D. Shafer*  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT 2507